

UNITED STATES DISTRICT COURT
COMMONWEALTH OF MASSACHUSETTS

LORI ANN MORAN,
Plaintiff

v.

ANDREW DIPASQUA, MICHAEL
SANBORN, WILLIAM F. GAY, III, and
the ONSET FIRE DISTRICT,
Defendants

)
)
)
)
) C.A. No. 05-10033 NG
)
)
)
)
)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Now come the Defendants, in the above captioned case, and hereby move this Honorable Court pursuant to Fed. R. Civ. P. 56 to enter Summary Judgment in their favor and against the Plaintiff. As grounds for this Motion, the Defendants state that:

A. No Due Process Violation;

1. No Actionable Property Interest in Continued Employment
2. The Plaintiff Had All the Process that is Due
 - a. No Right to Cross-Examination Exists at Administrative Pre-Termination Hearing
 - b. No Due Process Violation from Baseless Unsupported Allegations of Bias
3. The Plaintiff Had Adequate Post-Deprivation Remedies

B. No Equal Protection Violation

1. Plaintiffs' Equal Protection Claim Fails, Even Viewed as a "Class-of-One"
 - a. There was a Rational Basis for the Termination of Plaintiff
 - b. No Evidence of Similarly Situated Employees Treated Differently

c. No Evidence of "Malicious Bad Faith" "Illegitimate Ill Will" or "Animus"

C. The Individual Defendants Are Entitled to Qualified Immunity

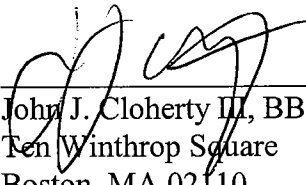
As further grounds for the Motion, the Defendants submit the accompanying Memorandum of Law, and Concise Statement of Material Facts as to which there is No Genuine Issue to be Tried, together with Exhibits, incorporated by reference herein.

WHEREFORE, the Defendants respectfully request this Honorable Court enter Summary Judgment in favor of Defendants and against Plaintiff as to all counts of Plaintiff's complaint along with such other relief this Court deems just and proper.

Respectfully submitted,

The Defendants,
ANDREW DIPASQUA, MICHAEL SANBORN,
WILLIAM F. GAY, III, and the ONSET FIRE
DISTRICT,
By their attorneys,

PIERCE, DAVIS & PERRITANO, LLP



John J. Cloherty III, BBO#566522
Ten Winthrop Square
Boston, MA 02110
(617) 350-0950

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon each attorney of record, by first class mail & electronic filing.

4/3/06
Date 